

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN A. LAWRENCE,

Plaintiff,

v.

CHRIS BUESGEN and JEFFREY PUGH,

Defendants.

ORDER

15-cv-230-jdp

Pro se plaintiff Brian Lawrence, a prisoner incarcerated at the Stanley Correctional Institution, alleges that prison officials failed to protect him from an assault by his cellmate. Defendants moved for summary judgment, contending that they cannot be found liable under the Eighth Amendment because they were unaware of the danger to Lawrence before the assault occurred. Dkt. 17. Lawrence did not timely respond to defendants' motion, so I ordered Lawrence to indicate whether he still wishes to prosecute this lawsuit, show cause why he could not timely respond to defendants' motion, and submit his belated response to defendants' motion. Dkt. 23. I also warned Lawrence that his failure to respond to my order or defendants' motion by January 31, 2017, could result in dismissal. *Id.*

Lawrence has responded to my order. Dkt. 24. Lawrence indicates that he has not been litigating this case because "Currently my focus is facing a 30 year sentence (7 served) and fighting a case where I was almost murdered in my sleep." Dkt. 24. This response may be a polite way of stating that he no longer wishes to litigate this case or it may be a request for another extension. Either way, he has not responded as ordered. He still has not filed an opposition to defendants' motion for summary judgment or shown good cause for accepting a late response. I will dismiss the action for Lawrence's failure to prosecute it.

Giving Lawrence yet another extension would be unfair to defendants, given that the trial is scheduled to begin on March 13, 2017. I will not force defendants into a scramble a month before the trial just because Lawrence decided to prioritize another case over this one.

Because defendants have submitted a fully supported and apparently well-grounded motion for summary judgment, the dismissal of the case will be with prejudice.

ORDER

IT IS ORDERED that:

1. Defendants Chris Buesgen and Jeffery Pugh's motion for summary judgment, Dkt. 17, is DENIED as moot.
2. This case is DISMISSED with prejudice.
3. The clerk of court is directed to close the case.

Entered February 8, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge